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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : K. Scott Ramey, et al
Serial No. : 10/662,603
Filed : September 15, 2003
For : METHOD, APPARATUS, AND ARTICLE OF MANUFACTURE
FOR WEB-BASED CONTROL OF A CALL SERVER
Group No. : 2194
Examiner : Charles E. Anya
Confirmation No. : 2370

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Commissioner for Patents
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

The Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated below, demonstrating the clear legal and factual deficiency of the rejections of some or all claims.

Claims 35, 37-40, 42-45, 47-50, 52-57 and 59-64 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Szlam (US Patent No. 6,359,892) in view of Echols (US Patent No. 6,430,175). Claim 58 was rejected under 35 U.S.C. § 103(a) over Szlam and Echols and further in view of Baker (US Patent No. 6,611,498). The rejections are respectfully traversed.

The final Office Action (and Advisory Action) concedes that Szlam fails to disclose or describe (1) providing a communication channel between the web application and the call server system, and (2) the web application accessed from a web server. See, Office Action, page 3. As best understood, it appears the Office Action identifies either (1) a multimedia application or browser application executing on the computer 221 or (2) a web browser in the laptop (remote communications) device 10, as equivalent to Applicant's "web application." Office Action, page 2. The Office Action further argues that the controller 225 translates commands from the web application to the call server system from a web application format into a call server system format (citing controller 225, col. 9, lines 46-60, col. 12, lines 45-57).

It does not appear that Szlam's web application is accessed via an external (e.g., IP network) web server. Instead, the multimedia application or browser application (or web browser) is accessed via the computer 221 (or the laptop device 10), thus, the web application is not accessible via an external web server. Though Szlam further teaches that these "web applications" may be stored in a "server" 220, it appears that this teaching is limited to a client-server scheme with the server within the corporate network – not a "web server" as that term is utilized and described in the specification. Therefore, Szlam does not disclose "the web application accessed from a web server."

In addition, with respect dependent Claim 39, the Office Action argues that Szlam's disclosure that the controller 225 receives call server "status information" is equivalent to the controller 22 receiving call control commands from the call server. Applicant respectfully disagrees. After specifically describing that the controller receives and translates call control

commands from the web application (Col. 9, lines 41-51), Szlam states “[l]ikewise, the controller 225 can receive CTI *status information* from devices, convert this information into the desired format, and send it to the remote communication device 10 for display or action, as appropriate.” Szlam, Col. 9, lines 51-55. There appears to be no teaching that the controller 225 receives call control commands from the call server system – only status information.

From this, the Office Action has not established a prima facie case that (1) the web application is accessed from a web server (see, independent Claims 35, 40, 45, 50 and 55), or (2) Szlam’s controller 225 receives and translates call control commands from the call server system (see, dependent Claims 39, 44, 49 and 54).

The Office Action next argues that Echols teaches “providing a communication channel between the web application and the call server system” with “the web application accessed from a web server.” Office Action, page 3. Assuming the Office Action equates Echols telephone switch 10 as Applicant’s recited call server system, Applicant respectfully submits the “operator work station 11” (or the BRI interface) connected to the switch is not a “web application.” It appears the Office Action is asserting that the operator work station 11, which is coupled between the telephone switch 10 and web server 21, provides a communication channel between a web application on the web server 21 and the telephone switch 10. While there exist communications between the web server 21 and the work station 11, and between the work station 11 and the web server 21, there does not appear to exist a web application at the web server 21 that provides web application commands to the work station 11, where they are translated by the work station 11 into a caller server system format. Echols appears to teach that number dialed or other number

information is received and displayed at the operator station 11 through either the BRI connection (from switch 10) or through the intranet connection (from web server 21), the human operator initiates a request to web server 21, receives a form from web server 21, fills out the form with information about the caller, sends the form to web server 21, and receives information back which tells the human operator how the call is to be processed. Echols, Col. 2, lines 58 thru Col. 3, lines 23.

Combining Szlam with a reference that merely discloses some communications between three network devices provides no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. First, Echols does not appear to relate to call control commands for a call server in a PBX. Second, there does not appear to be any translation of call control commands sent from the web application accessed by the web server 21 (whatever that web application may be) to the switch 10. Third, these two references, even if combined, do not teach or suggest all the claim limitations (as noted by the foregoing, and as noted in the arguments with respect to Szlam, see above). Therefore, the proposed combination of Szlam and Echols fails to disclose, teach or suggest all elements recited in independent Claim 35. The Office Action appears to use the same or similar reasoning to reject the other independent Claims.

Accordingly, Applicant respectfully requests the Office withdraw the § 103(a) rejections of Claims 35, 37-40, 42-45, 47-50, 52-57 and 59-64. For the same reasons, the rejection of Claim 58 should also be withdrawn.

For at least these reasons, the Applicants assert that the claims in the application are in condition for allowance and that the rejections of the claims are both factually and legally deficient. The Applicants respectfully request this case be returned to the Examiner for allowance or, alternatively, further examination.

The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Nortel Networks Deposit Account No. 14-1315.

Respectfully submitted,

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